

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

v.

OMARI PATTON

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CR 2-93

CV 16-735

**MEMORANDUM ORDER**

Before the Court is Defendant's Motion to Vacate, pursuant to 28 U.S.C. § 2255. Therein, Defendant alleges ineffective assistance of counsel during his proceeding. The Government, in turn, has moved to dismiss Defendant's Motion under Section 2255(h).

Defendant filed a Section 2255 Motion on January 7, 2010, which was denied by Order dated August 11, 2010. Our Court of Appeals affirmed that decision. His present Motion does not implicate the limited circumstances under which Section 2255(h) permits a second or successive petition, and I therefore lack jurisdiction to consider his Motion. See United States v. Strausbaugh, 2016 U.S. App. LEXIS 6037, at \*\*3-4 (3d Cir. Apr. 1, 2016). Therefore, the Government's Motion will be granted, and Defendant's denied, without prejudice to Defendant to seek appropriate certification from the Court of Appeals.

AND NOW, this 24th day of June, 2016, IT IS SO ORDERED.

BY THE COURT:

/s/Donetta W. Ambrose

Donetta W. Ambrose

Senior Judge, U.S. District Court